

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23826 of 2004

Between:

C.Narayanamma, D/o.C.Ayyanna,
R/o.H.No.50-760-30-F6, C-Camp Centre, Kallur Mandal,
Kurnool Town, Kurnool District.

... PETITIONER

AND

- 1 The Mandal Revenue officer, Kallur Mandal, Kurnool District.
- 2 The District Collector, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, direction or order declaring the action of the 1st respondent in issuing Notices under sec.7 of the encroachment Act dt.21-7-2004 and under sec.6 of the Encroachment Act dt.26-11-2004, directing the petitioner herein to evict from the house plot No.6 (municipal No.50-760-30-F6) situated at C-Camp, Opp: T.T.D. Kalyana Mantapam, Kallur Mandal, Kurnool Town, Kurnool District as illegal and arbitrary and quash the same.

Counsel for the Petitioner: MR.K.VENUGOPAL REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the first respondent in issuing notices under Sections 7 and 6 of the Land Encroachment Act 1905 (for short 'the Act') dated 21-07-2004 and 26-11-2004 respectively, directing the petitioner herein to evict from the house Plot No.6 situated at C-Camp, Kallur Mandal, Kurnool Town, Kurnool District as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and also the learned Government Pleader appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. It is submitted by the learned Government Pleader for Revenue and admitted to by the learned counsel for the petitioner that as against the impugned notice issued to the petitioner under Section 6 of the Act, there is an alternative remedy available to her by way of an appeal under Section 10 (1) of the Act before the Revenue Divisional Officer concerned.

4. Inasmuch remedy of appeal is available to the petitioner against the impugned notice issued by the first respondent – Mandal Revenue Officer before the Revenue Divisional Officer concerned; I deem it appropriate to dispose of the writ petition with the following directions.

5. The petitioner may avail the remedy of appeal available to her against the impugned notice issued by the first respondent –Mandal Revenue Officer under Section 6 of the Act, before the Revenue Divisional Officer within four weeks from today, along with an application for stay. On such appeal being filed together with application for stay, the Revenue Divisional Officer concerned, is directed to consider and pass appropriate orders thereon either on the appeal or on the application for stay, expeditiously. Till appropriate orders are passed on the appeal or the application for stay, *status quo* obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

N. V. RAMANA, J

December 21, 2004

Note: *Furnish copy tomorrow*

(B/o)

MRR/NSR

To:

1 The Mandal Revenue officer, Kallur Mandal, Kurnool District.

2 The District Collector, Kurnool District.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.

